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EXAMINER
CONTEE, JOY KIMBERLY

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2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-32 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1- 32 are rejected under 35 U.S.C. 102(b) as being anticipated by

Qu et al. (Qu), US Pub No. 2005/0176445.

Regarding claim 1, Qu discloses a method in a multi-mode wireless

communications device capable of operating in CDMA and GSM

communications modes, the method comprising: operating the multi-mode

wireless communications device in CDMA communications mode; while

operating in CDMA communications mode, generating an origination message

including information indicating an ability of the multi-mode wireless

communications device to operate in GSM communications mode (see Fig. 1,

page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6

[0047-0065]).

Regarding claim 2, Qu discloses the method of claim 1, generating the

origination message includes setting a first field indicating that the origination

message includes a second field indicating that the multi-mode wireless communications device is able to operate in GSM communications mode(see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 3, Qu discloses the method of claim 2, generating the origination message includes setting the second field to indicate that the multi-mode wireless communications device is able to operate in GSM communications mode (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 4, Qu discloses the method of claim 3, setting the second field includes indicating whether the multi-mode wireless communications device is capable of communicating in at least one of a GSM single-slot mode and a GSM multi-slot mode (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 5, Qu discloses the method of claim 1, transmitting the origination message while operating in CDMA communications mode(see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 6, Qu discloses the method of claim 5, receiving a channel assignment message, in response to sending the origination message, while operating in CDMA communications mode, the channel assignment message including GSM assignment information(see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 7, Qu discloses the method of claim 6, receiving the
channel assignment message includes receiving an instruction to acquire a GSM
network before receiving a channel allocation(see Fig. 1, page 1 [0011] and page
2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 8, Qu discloses the method of claim 6, receiving the
channel assignment message includes receiving a GSM channel allocation in the
channel assignment message (see Fig. 1, page 1 [0011] and page 2 [0022-0027]
and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 9, Qu discloses the method of claim 1, indicating that the
message includes additional mode information by setting a flag indicating that
additional mode information is included in the message (see Fig. 1, page 1
[0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-
0065]).

Regarding claim 10, Qu discloses a method in a multi-mode wireless
communications device capable of operating in first and second communications
modes in corresponding first and second networks, the method comprising:
operating the multi-mode wireless communications device in the first mode
communications mode on the first network; while operating in the first
communications mode, generating a message including information indicating an
ability of the multi-mode wireless communications device to operate in a second
communications mode on the second network, the message is one of an
origination message and a page response message (see Fig. 1, page 1 [0011]
and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 11, Qu discloses the method of claim 10, generating the

message include setting a flag indicating the presence of the information

indicating the ability of the multi-mode wireless communications device to

operate in the second communications mode(see Fig. 1, page 1 [0011] and page

2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 12, Qu discloses the method of claim 10, indicating an

ability of the multi-mode wireless communications device to operate in a third

communications mode on one of the first and second network (see Fig. 1, page 1

[0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-

0065]).

Regarding claim 13, Qu discloses a message for origination or page

response by a multimode communications device, the message comprising: a

first additional mode information field of the message for indicating an ability of a

multimode communications device to accept a channel assignment in a first

additional mode other than a first mode; a second additional mode information

field of the message for indicating an ability of the multimode communications

device to accept a channel assignment in a second additional mode other than

the first mode and the first additional mode (see Fig. 1, page 1 [0011] and page 2

[0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 14, discloses the message of claim 13, the first mode is a

CDMA communications mode, the first additional mode is an analog

communications mode, the first additional mode information field for indicating an

ability of the multimode communications device to accept a channel assignment

in one of the CDMA communications mode and the analog communications
mode (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-
0038] and pages 5-6 [0047-0065]).

Regarding claim 15, Qu discloses the message of claim 13, the second
additional mode is a GSM communications mode, the second additional mode
information field for indicating an ability of the multimode communications device
to accept a channel assignment in the GSM communications mode (see Fig. 1,
page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6
[0047-0065]).

Regarding claim 16, Qu discloses the message of claim 13, the first
additional information field for indicating a preference of the multimode
communications device to accept a channel assignment in one of the first mode
and the first additional mode, the second additional information field for indicating
an ability of the multimode communications device to accept a channel
assignment in the second additional mode (see Fig. 1, page 1 [0011] and page 2
[0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 17, Qu discloses the origination message of claim 13, a
second additional mode flag field of the message for indicating the presence of
information in the second additional mode information field (see Fig. 1, page 1
[0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-
0065]).

Regarding claim 18, Qu discloses the origination message of claim 13, the
second additional mode information field of the message for indicating an ability

of the multimode communications device to accept a channel assignment in a

second additional mode pursuant to at least one of a GSM communications

protocol, an 802.11 communications protocol, a UMTS communications protocol,

and voice over IP communications protocol (see Fig. 1, page 1 [0011] and page

2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 19, Qu discloses a method in a CDMA communications

network, the method comprising: generating a channel assignment message;

providing GSM channel assignment information in the channel assignment

message (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4

[0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 20, Qu discloses the method of claim 19, providing GSM

channel assignment information in the channel assignment message includes

providing information indicating that additional GSM channel assignment

information is provided in the channel assignment message (see Fig. 1, page 1

[0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-

0065]).

Regarding claim 21, Qu discloses the method of claim 19, providing GSM

channel assignment information in the channel assignment message includes

providing assignment information for one of a GSM access grant channel or a

GSM dedicated channel (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and

pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 22, Qu discloses the method of claim 19, providing GSM

channel assignment information in the channel assignment message includes

providing information to re-send one of an origination message or page response

message on a GSM Channel (see Fig. 1, page 1 [0011] and page 2 [0022-0027]

and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 23, Qu discloses the method of claim 19, transmitting the

channel assignment message to a wireless communications device connected to

the CDMA communications network, providing the GSM channel assignment

information in the channel assignment message includes providing a direct

channel assignment (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and

pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 24, Qu discloses the method of claim 19, transmitting the

channel assignment message to a wireless communications device connected to

the CDMA communications network, providing the GSM channel assignment

information in the channel assignment message includes providing an access

grant channel for the communications device to complete set up on the GSM

network (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-

0038] and pages 5-6 [0047-0065]).

Regarding claim 25, Qu discloses a method for network resource

allocation in a first communications network, the method comprising: receiving a

message from a multimode mobile station; generating a channel assignment

message for the multimode mobile station operating in a first communications on

the first network in response to the message; assigning the multimode mobile

station to a second network in the channel assignment message; transmitting the

channel assignment message to the multimode mobile station (see Fig. 1, page 1

[0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-

0065]).

Regarding claim 26, Qu discloses the method of claim 25, assigning the

multimode mobile station to a second network in the channel assignment

message includes providing a direct channel assignment in the channel

assignment message (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and

pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 27, Qu discloses the method of claim 25, assigning the

multimode mobile station to a second network in the channel assignment

message includes providing an access grant channel for the communications

device to complete set up on the second network (see Fig. 1, page 1 [0011] and

page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 28, Qu discloses a method in a multimode

communications device, the method comprising: receiving a channel assignment

message while operating in a first mode pursuant to a first communications

protocol, the channel assignment message including channel assignment

information for a mode of operation pursuant to a second communications

protocol; transitioning to one of an access grant channel or a dedicated channel

based on the channel assignment information for the different mode of operation

(see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038]

and pages 5-6 [0047-0065]).

Regarding claim 29, Qu discloses the method of claim 28, operating pursuant to a second communications protocol pursuant to the different mode of operation (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 30, Qu discloses the method of claim 28, the first mode is CDMA mode, the second mode is GSM mode (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 31, Qu discloses a channel assignment message native to a first communications protocol for transmission to a multimode communications device operable in a mode pursuant to the first communications protocol and operable in at least one other mode pursuant to a second communications protocol, comprising: channel assignment information of the channel assignment message including assignment information for one of an access grant channel of the second communications protocol or a dedicated channel of the second communications protocol (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Regarding claim 32, Qu discloses the channel assignment message of claim 31 is native to a CDMA communications protocol, the channel assignment information of the channel assignment message is for a GSM communications protocol (see Fig. 1, page 1 [0011] and page 2 [0022-0027] and pages 3-4 [0037-0038] and pages 5-6 [0047-0065]).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

JOY K. CONTEE
PATENT EXAMINER